

Tuesday, April 23, 2013

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

**PRESENT:** Supervisors: Frank Mecham, Bruce S. Gibson, Adam Hill, Debbie Arnold and Chairperson Paul A. Teixeira

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON PAUL A. TEIXEIRA.**

**Consent Agenda – Review and Approval:**

**1-20.** This is the time set for consideration of the Consent Agenda:

**Chairperson Teixeira:** opens the floor to public comment.

**The action taken for Consent Agenda Items 1 through 20 on the following vote is indicated for each item.**

**Motion by:** Bruce S. Gibson  
**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Bid Opening:**

1. Letter transmitting plans and specifications (Clerk’s File) for Water Distribution System Upgrades, County Service Area 10A, Cayucos, for Board approval and advertisement for construction bids. The recommended bid opening date is Thursday, May 23, 2013. District 2.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Auditor - Controller Items:**

2. Submittal of a cash procedures review of the County's Treasurer's Office conducted August 31, 2012.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Board of Supervisors Items:**

3. Request by Supervisor Debbie Arnold to re-appoint John De Cou and Mark Jensen as District Five representatives to the Fish and Game Fines Committee.

**The Board approves as recommended by the County Administrative Officer.**

4. Request by Supervisor Debbie Arnold to appoint Shawna Scott as a District Five representative to the Commission on the Status of Women.

**The Board approves as recommended by the County Administrative Officer.**

5. Submittal of a resolution recognizing the 50th Anniversary of the San Luis Obispo County Community College District/Cuesta College.

**The Board approves as recommended by the County Administrative Officer, RESOLUTION NO. 2013-81, adopted.**

**Consent Agenda - District Attorney Items:**

6. Request to approve a renewal contract (Clerk's File) in the amount of \$84,014 for the term of 2013-2016 for a criminal restitution compact (CRC) with the Victim Compensation and Government Claims Board and submittal of a resolution authorizing the District Attorney to sign the state agreement and other grant related documents.

**The Board approves as recommended by the County Administrative Officer, RESOLUTION NO. 2013-82, adopted.**

**Consent Agenda - General Services Agency Items:**

7. Authorize a budget adjustment in the amount of \$50,050 to transfer monies from the Tax Reduction Reserve Fund loan used to fund the parking lot improvement project to the Airports-SLO-Runway Safety Area Improvements project. The Airport requests that savings in the parking lot improvement project be used to fund the remaining balance of the runway safety project. District 3.

**Mr. Richard Howell – Airport Manager:** replaces the table on Page 3 of the staff report.

**The Board approves as amended and recommended by the County Administrative Officer.**

8. Request to: 1) adopt the Mitigated Negative Declaration for the Juvenile Hall Expansion Capital Project; 2) receive and file the thirty year estimate of projected operational costs for the project; 3) approve an easement for Camp San Luis along Kansas and Oklahoma Avenues; and 4) authorize a budget adjustment in the amount of \$370,400 from the Juvenile Hall Building Designation to fund the project through bidding.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Health Agency Items:**

9. Request to approve an application (Clerk's File) to the State Department of Drug and Alcohol Programs for licensure of a Driving Under the Influence program office located in Paso Robles, operated by the San Luis Obispo County Drug and Alcohol Services division of the Health Agency's Behavioral Health Department.

**The Board approves as recommended by the County Administrative Officer.**

10. Request to approve an amendment to the FY 2012-13 executed contract (Clerk's File) with Psynergy Programs, Inc. to increase the contract in an amount not to exceed \$1,312,980, an increase of \$79,618, for additional outpatient mental health services for adult clients with serious mental illness.

**The Board approves as recommended by the County Administrative Officer.**

11. Request to hire Mary Garrett, N.P., as a Mental Health Nurse Practitioner position at step 5 of the salary range.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Planning & Building Items:**

12. Submittal of a resolution authorizing the Department of Planning and Building to submit an application to the California Energy Commission (CEC) for a Renewable Energy and Conservation Planning Grant in the amount of approximately \$638,152. All Supervisorial Districts.

**The Board approves as recommended by the County Administrative Officer, RESOLUTION NO. 2013-83, adopted.**

- 13.** Request to destroy County Planning and Building Department files that have been scanned consistent with Government Code Section 26205.

**The Board approves as recommended by the County Administrative Officer.**

- 14.** Request to authorize a budget adjustment in the amount of \$1,000,000 in CalHome grant funds from the California Department of Housing and Community Development for the County's First Time Home Buyer Program. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Public Works Items:**

- 15.** Request to approve the agreement finalizing contract balance with Rajappan & Meyer Consulting Engineers, Inc. for the Willow Road Extension Phases I & II and US Highway 101 Interchange Project, Nipomo. District 4.

**The Board approves as recommended by the County Administrative Officer.**

- 16.** Request to approve an agreement with the Los Osos Community Services District for a cable TV PEG Access Grant and authorize an associated budget adjustment, in the amount of \$30,000. District 2.

**The Board approves as recommended by the County Administrative Officer.**

- 17.** Submittal of right of way documents accepting conveyance from The Unruh Family Trust, et al; from Cheryl A. Weidmann, Trustee, et al; and from Dan W. York and Sarah Christie for the La Panza Road Widening Project, Creston. District 5.

**The Board approves as recommended by the County Administrative Officer.**

- 18.** Request to approve agreements for delivery of recycled water for agricultural purposes related to the Los Osos Wastewater Project with Les and Mary Lou Goodwin; and Earl May. District 2.

**Mr. Richard Margetson, Mr. Ben DiFatta, Mr. Jeff Edwards, Ms. Julie Tacker, and Ms. Linde Owen: speak.**

**The Board approves as recommended by the County Administrative Officer.**

- 19.** Submittal of a resolution authorizing execution of notice of completion for the Maria Vista Estates – Phase 3 Improvements, Nipomo, and authorize a budget adjustment in the amount of \$721,844. District 4.

**The Board approves as recommended by the County Administrative Officer, RESOLUTION NO. 2013-84, adopted.**

**Consent Agenda - Social Services Items:**

- 20.** Request to approve a new sole source service contract with Intelegy Corporation, to provide consulting services for the design, procurement and implementation of the County-run State Health Insurance Exchange Call Center in the total amount of \$151,935 for the period of April 1, 2013 through January 30, 2014.

**Mr. Mike Brown – COLAB: speaks.**

The Board approves as recommended by the County Administrative Officer.

**Presentations:**

21. Submittal of a resolution proclaiming May 2013 as "Bike Month", May 13 - 17, 2013 as "Bike to Work Week", and May 8, 2013 as “Bike to School Day” in San Luis Obispo County.

**Chairperson Teixeira:** opens the floor to public comment.

**Mr. Eric Greening:** speaks.

**RESOLUTION NO. 2013-85, resolution proclaiming May 2013 as “Bike Month”; May 13 to May 17, 2013 as “Bike to Work Week”; and May 8, 2013 as “Bike to School Day” in San Luis Obispo County, adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

22. Submittal of a resolution commending county volunteers and recognizing the week of April 21-27, 2013 as "National Volunteer Week" in San Luis Obispo County.

**Chairperson Teixeira:** opens the floor to public comment.

**Mr. Brian Reynolds, Mr. Richard Howell, Mr. Curtis Black Ms. Vera Wallen –Library Foundation President, Undersheriff Tim Olivas, and Mr. Robert Davis – Morro Bay Friends of the Library President:** speak.

**RESOLUTION NO. 2013-86, resolution commending County Volunteers and recognizing the week of April 21-27, 2013 as “National Volunteer Week” in San Luis Obispo County, adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

23. Submittal of a resolution commending Deputy Scott Curry, Deputy Roger Degnan, Deputy Chad Nicholson and Pediatric Nurse Laura Brown for lifesaving activities.

**RESOLUTION NO. 2013-87, resolution commending Deputies Scott Curry, Roger Degnan, William “Chad” Nicholson and Pediatric Nurse Laura Brown for lifesaving actions, adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

24. Submittal of a resolution proclaiming May 6-10, 2013 "National Correctional Officers Week."

**RESOLUTION NO. 2013-88, resolution proclaiming May 6-10 “National Correctional Officers Week”, adopted.**

**Motion by:** Frank R. Mecham  
**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Public Comment Period:**

25. Members of the Public wishing to address the Board on matters other than scheduled items may do so when recognized by the Chairperson. Individuals interested in speaking should fill out a "Board Appearance Request Form" located at the back of the Board Chambers and hand it to the Clerk of the Board. Presentations are limited to a MAXIMUM of three minutes per individual.

**Mr. Ben DiFatta, Mr. Jeff Edwards, Ms. Julie Tacker, Ms. Linde Owens and Mr. Richard Margetson (e-mail):** express comments and concerns regarding the Los Osos Wastewater Project.

**Mr. Eric Greening:** requests information on outcome of recent emergency exercises; discusses the recent events in Boston and questions how prepared we are to respond to a public emergency.

**Ms. Kimm Daniels – SLOCEA General Manager:** addresses recent comments, during public comment and in the media, regarding salaries of Legislative Assistants.

**Captain Matt Olson – CHP:** introduces himself as the new Commander of the Highway Patrol Station in San Luis Obispo. **No action taken.**

**SUPERVISOR DEBBIE ARNOLD IS NOW ABSENT.**

**Board Business:**

26. Consideration of a status update of the Zone 1/1A Arroyo Grande Creek Channel Projects – Water Management Plan (WMP) Alternative 3a (Project #300477) and WMP Modified 3c (Project #300478). District 4.

**(SUPERVISOR DEBBIE ARNOLD IS NOW PRESENT.)**

**Chairperson Teixeira:** opens the floor to public comment.

**Mr. Jeff Edwards and Mr. Eric Greening:** speak.

**Chairperson Teixeira:** receives and files the status update on the Arroyo Grande Creek Channel Waterway Management Program Alternative 3a and Modified 3c projects.

**Hearings:**

27. Hearing to consider a resolution of necessity for the acquisition of real property interest required from Sandee L. McLaughlin and Joann A. Chavez for the La Panza Road Widening Project. District 5.

**Chairperson Teixeira:** opens the floor to public comment without response.

**The Board conducts the hearing on the adoption of the Resolution of Necessity, receives staff comments, takes testimony from property owners and considers all evidence and RESOLUTION NO. 2013-89, Resolution**

of Necessity for the real property interests required from Sandee L. McLaughlin and Joann A. Chavez for the San Luis Obispo County La Panza Road Widening Project, Supervisorial District No. 5, adopted.

Motion by: Frank R. Mecham  
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)		x		

Closed Session Items:

28. The Board announces they will be going into Closed Session regarding:
- I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:
    - A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. Sunny Acres, et al. v. County of San Luis Obispo, et al., (CV 090360); 2. In re Los Osos Community Services District (Bankruptcy); 3. Negranti & Sons v. San Luis Obispo County.
    - B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 4. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 5. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.
  - II. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, § 54956.8.)  
It is the intention of the Board to meet in closed session to have a conference with its Real Property Negotiator concerning the following: 6. Property Description: Book 075, Pages 111-116 and Book 061, Page 091 (LaGrande Beach, Oceano). Parties with whom negotiating: State of California.

(Added Closed Session Item, per Addendum No. 1 to the Agenda: I. PENDING LITIGATION, A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 7. Concerned Landowners in the Paso Robles Groundwater Basin v. County of San Luis Obispo. 8. Coast National Bank v. County of San Luis Obispo.)

Chairperson Teixeira: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, April 23, 2013, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Catrina M. Christensen, Deputy Clerk-Recorder

DATED: May 2, 2013